TESTIMONY INFORMATION

TO: All Concerned Persons

If you wish to make an oral statement at this hearing, please fill in this form and give it to the Presiding Officer. Your name will be called during the hearing.

If you have a written statement, data, views, or arguments, you may write on this form or attach your written material to this form.

Please Print:

NAME: Tammy Johnson

I am representing: _____ Myself

✓ The following organization:

Montana Mining Association

Address: P.O. Box 5567

Helena, MT 59604

Telephone: 406-495-1444

Fax: _____

E-mail: tjohnson@montanamining.org

Please check:

✓ I am a proponent of the proposed rulemaking.

X I am an opponent of the proposed rulemaking.

_____ I am neutral but wish to offer information pertinent to the proposed action.

_____ Other

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Please Print:

NAME: JAMES SCHELL

I am representing: _____ Myself

_____ The following organization:

CITY OF EAST HELENA MAYOR

Address: Box 1170

EAST HELENA MT 59655

Telephone: 406-227-5321

Fax: _____

E-mail: jschelleh@gmail.com

Please check:

_____ I am a proponent of the proposed rulemaking.

_____ I am an opponent of the proposed rulemaking.

X I am neutral but wish to offer information pertinent to the proposed action.

_____ Other

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Please Print:

NAME: JOHN WILSON

I am representing: _____ Myself

CITY OF WHITEFISH The following organization:

_____

Address: BOX 158, WHITEFISH

_____

_____

Telephone: 406.863.2455

Fax: _____

E-mail: jwilson@cityofwhitefish.org

Please check:

_____ I am a proponent of the proposed rulemaking.

✓ I am an opponent of the proposed rulemaking.

_____ I am neutral but wish to offer information pertinent to the proposed action.

_____ Other

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Please Print:

NAME: Victoria Marquis

I am representing: _____ Myself

X The following organization:

CrowleyFleck, for Arch Coal

Address: 490 N. 31st Street, Ste. 500

Billings, MT 59101

Telephone: 406-252-3441

Fax: _____

E-mail: vmarquis@crowleyfleck.com

Please check:

_____ I am a proponent of the proposed rulemaking.

X I am an opponent of the proposed rulemaking.

_____ I am neutral but wish to offer information pertinent to the proposed action.

_____ Other

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Please Print:

NAME: DAVID A. GAET

I am representing: _____ Myself

\ The following organization:

Montana Petroleum Association

Address: P.O. Box 1186

Helena MT 59624

Telephone: 406-442-7582

Fax: _____

E-mail: MPA@montanapetroleum.org

Please check:

_____ I am a proponent of the proposed rulemaking.

X I am an opponent of the proposed rulemaking. MPA is

_____ I am neutral but wish to offer information pertinent to the proposed action.

_____ Other

STATEMENT OF DAVID A. GALT

EXECUTIVE DIRECTOR, MONTANA PETROLEUM ASSOCIATION

BEFORE THE MONTANA BOARD OF ENVIRONMENTAL REVIEW AND THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

HEARINGS ON NUMERIC NUTRIENT STANDARDS AND THE PROPOSED ADOPTION OF RULES AND CIRCULARS PERTAINING TO THE STANDARDS

MARCH 24, 2014

Good morning. My name is David A. Galt. I serve as the Executive Director of the Montana Petroleum Association (MPA). This is my ninth year in this role for MPA. In this position, I represent the interests of the oil and gas industry before the executive and legislative branches of the state and federal governments. I appreciate the opportunity to share the views of MPA with the Board on the proposed rules pending before the Board, the companion rule package under consideration by officials in the Department of Environmental Quality (DEQ), the draft circulars (DEQ-12A & 12B) published by DEQ, and the implementation guidance document posted on DEQ's website. These five documents are interrelated. Although you are only being asked to promulgate one of the rule packages, which incorporates one of the two circulars, the content of all of the documents is relevant to your inquiry on whether to act.

I. General Background

I have served as a member of the Nutrient Working Group (NWG) since its inception. Beyond regular participation in NWG meetings, I submitted two letters on behalf of MPA to DEQ - - one in 2012 and one in late 2013 - - in response to earlier drafts of the documents pertinent to this rulemaking.

I agree with the DEQ leadership's comments regarding the usefulness of the NWG as a forum to discuss the issues in the rule packages under consideration by the Board and DEQ. And I can say that MPA has had a productive dialogue with DEQ officials on a number of issues of concern to the members of the association, but significant issues have not been resolved. MPA appreciates the opportunity to have this final opportunity to attempt to persuade state policymakers.

I should note at the outset the trepidation many in the regulated community have with respect to this rulemaking. On the one hand, MPA is mindful of the fact that the Montana Code requires promulgation of a rule establishing base numeric nutrient standards and that the Board and DEQ have a non-discretionary duty to do so. On the other hand, we simply do not know whether potential new employers will be deterred from starting a business in Montana as a result of these standards. We do know that it will be very difficult to meet the end-of-pipe standards required for a permittee to receive a general variance - - and those standards are not as onerous as the numeric standards in DEQ-12A. Whether some existing businesses with discharge permits

will find it impossible to continue to operate in Montana following implementation of the new numeric standards is also unclear. We do know one thing: we are the guinea pigs in this experiment. Montana is among a small number of states which have studied and moved to adopt numeric nutrient standards for rivers and streams. Six months ago, a federal district court ruled on an advocacy group's claim that EPA failed to act to adopt numeric nutrient criteria for all fifty states and the District of Columbia. Gulf Restoration Network v. Jackson, 43 ELR 20218 (E.D. La. 2013)(Sept. 20, 2013). In describing the context of the case, the court noted:

> Plaintiffs point out that the states in the Mississippi River Basin have no numeric water quality standards for phosphorous in rivers or streams or for nitrogen in any waters. And most states do not attempt to limit nitrogen and phosphorous discharges in NPDES permits.

Id. at 2. In addition, at present, **none** of our neighbors have adopted numeric nutrient standards. *See* Exhibit 1. These states, among many others, have retained narrative standards for nutrients because they remain legally viable under federal law. 40 C.F.R. § 130.7(c)(1). The questions regarding the impacts to be felt in Montana as a result of the new numeric nutrient standards are not answerable, but it is uncontested that we will have numeric standards when many other states will not.

MPA supported the effort in the 2011 Legislature to create authority for the Department to grant variances for point source dischargers of nitrogen and phosphorous limits in numeric nutrient standards which cannot be met given existing technology. Some may suggest that current technology would allow permittees to meet the numeric standards proposed in DEQ-12A. I have heard the opposite from others who are actually responsible for nutrient reduction as wasterwater engineers. Moreover, it is uncontested that existing technology would be cost-prohibitive regardless of whether it could achieve the standards in DEQ-12A. The limits of technology and the fact that the technology is not cost-effective are the bases for the Legislature's decision to adopt variances. As reflected in the documents developed by DEQ, this approach ensures gradual progress on reducing nutrients from point source dischargers, creates additional time for new, cost-effective technologies to emerge for use by point source dischargers, and allows DEQ to focus on the means to reduce discharges from non-point sources of nitrogen and phosphorous.[1] Without the authority for the Department to authorize variances over the next twenty years, MPA would have urged the Legislature to abandon the pursuit of numeric nutrient standards. If associations like MPA conclude that companies are avoiding Montana or leaving the state as a result of these standards, we will be prompt in encouraging a reversal of counterproductive provisions of law.

---

[1] DEQ's approach to reducing discharges from non-point sources is quite distinguishable from the command and control model utilized with municipalities and industrial permittees. In an annual report describing the status of the efforts to reduce nutrients attributable to non-point sources, the State noted, "Montana continues to demonstrate that the Nonpoint Source Management Program is committed to and capable of addressing nonpoint source pollution in Montana and that a voluntary, incentive-based approach works well in this state." State of Montana, 2013 Annual Report, Nonpoint Source Management Program, p. 18.

II. Comments on Draft Rules, Circulars, and Guidance

MPA wishes to comment on both proposed rule packages, DEQ-12A, DEQ-12B, and the Basic Numeric Nutrient Standards Implementation Guidance ("implementation guidance"). Let me first turn to our comments on the rule package under consideration by the BER. I will then address issues of note in the rule package to be considered by the Department. I will share MPA's views on the both parts of DEQ-12 before concluding with comments on the draft implementation guidance.

A. Comments on the BER Rule package designed to establish numeric nutrient standards.

MPA has multiple observations on the rule under consideration by the Board.

1. *Inadequate basis for quantitative standard*

First, in paragraph 4 of Section 3, the Department has noted that it determined the "nuisance threshold" for algae by polling "citizens and river and stream users." MPA does not take issue with the sampling methodology, but questions whether this is an appropriate standard to determine improvement of a beneficial use.

2. *Misstatements regarding legislative purpose and scope of impact*

In the final paragraph in Section 3, DEQ has stated that, "[nutrient] concentrations are below the limits of current wastewater treatment technology." MPA believes that this statement misstates the legislative intent behind Senate Bill 367. First, substantial and widespread economic impacts would result if Montana law required immediate compliance with numeric nutrients standards because current cost-effective wastewater treatment technology would not allow permittees to meet the numeric concentrations for nitrogen and phosphorous imposed by the new standards. We believe that this is a more accurate statement of the reason for the statute than what is reflected in DEQ's draft.

In describing the scope of this problem, DEQ's draft refers to the inability of permittees to meet the numeric concentrations for nitrogen and phosphorous imposed by the new standards as a problem which would arise "in many cases". The use of "many" is inappropriate in this context. Many could be used to define a quantity in excess of a few. It is clear from the action of the Legislature and the plain language of the bill that "most" or "virtually all" should be insert in the place of "many" in the third sentence of the first paragraph of the section describing the reason for the adoption of the draft rule.

3. *Inadequacy of the Non-Severability Clause*

On page 7 and 14, the Department proposes to add a section 2 to Admin. R. Mont. § 17.30.619 and a section 4 to Admin. R. Mont. § 17.30.715, as a non-severability clause. MPA has worked closely with the Department on the non-severability clause and appreciates its work to include it in the proposed rule. Its stated reason for inclusion of this passage in Admin. R. Mont. § 17.30.619 reflects legislative intent and the discussions of the purpose of a non-

severability clause in NWG meetings. Nonetheless, MPA asks the Board to modify the draft language on both pages.

In our discussions with DEQ, MPA noted that the general variance provision internalized in the rule to be promulgated by DEQ and amplified in DEQ-12B will be of no effect if, after promulgation of the rule, EPA disallows a permit with a general variance for the reason that DEQ allowed the permittee to deviate from the numeric nutrients standards based upon the application of a general variance. The essence of this argument is this: the Legislature, without opposition from EPA, used mandatory language in Mont. Code Ann. § 75-5-313(5)(b) to require DEQ to incorporate a general variance in permits if the permit applicant meets certain conditions. If EPA, in turn, refuses to allow a permit with a general variance to take effect as a result of the inclusion of the variance, the intent of the statute has been nullified with respect to the permittee. In such a circumstance, the rules should not continue to bind permittees. Therefore, MPA asks the Board to amend the language employed by DEQ in the rule as noted in the italicized language as follows:

> If (1) a court of competent jurisdiction declares 75-5-313, MCA, or any portion of that statute invalid, (2) the United States Environmental Protection Agency disapproves 75-5-313, MCA, or any portion of that statute, under 30 CFR 131.21, or if rules adopted pursuant to 75-5-313(6) or (7), MCA, expire and general variances are not available, *or (3) after the date of the promulgation of this rule, the United States environmental protection agency nullifies or otherwise disallows a permit with a variance issued by the Department based upon the Department's inclusion of a variance in the permit*, then (1)(e) and all references to DEQ-12A, base numeric nutrient standards and nutrient standards variances in ARM 17.30.201, 17.30.507, 17.30.516, 17.30.602, 17.30.622 through 17.30.629, 17.30.635, 17.30.702, and 17.30.715 are void, and the narrative water quality standards contained in ARM 17.30.637 are the standards for total nitrogen and total phosphorus in surface water, except for the Clark Fork River, for which the standards are the numeric standards in ARM 17.30.631.

Without the addition of this language to the rule, the rule will remain in force if EPA rejects a permit with a variance for the permittee because EPA does not believe the permittee is entitled to a variance.

4. ***Inaccurate Statement on DEQ's Authority on Variances***

On pages 10 and 11, in each section which describes the rationale for amending the rule, DEQ has explained that the new language is required, in part, to "incorporate the nutrient standards variance limits." MPA does not believe that the draft language is accurate. MPA recommends that the Board modify the language in all three sections to strike "nutrient standards variance limits" and replace it with "the Department's authority to grant variances from the numeric standards for permittees."

B. Comments on the department rule proposed for adoption by DEQ pertaining to nutrient standard variances.

MPA has three observations to make with respect to the proposed rule under consideration by DEQ, which it views as misstatements regarding the plain language of the statute on variances.

First, DEQ asserts that in many cases nutrient concentrations are "below the limits of current wastewater treatment technology". MPA believes that this statement misstates the legislative intent behind Senate Bill 367. First, substantial and widespread economic impacts would result if Montana law required immediate compliance with numeric nutrient standards because current wastewater treatment technology would not allow permittees to meet the numeric concentrations for nitrogen and phosphorous imposed by the new standards. We believe that this is a more accurate statement of the reason than what is reflected by DEQ's draft.

In describing the scope of this problem, DEQ's draft refers to the inability of permittees to meet the numeric concentrations for nitrogen and phosphorous imposed by the new standards as a problem which would arise "in many cases". The use of "many" is inappropriate in this context. Many could be used to define a quantity in excess of a few. It is clear from the action of the Legislature and the plain language of the bill that "most" or "virtually all" should be insert in the place of "many" in the third sentence of the first paragraph of the section describing the reason for the adoption of the draft rule.

Another passage in the first paragraph of the section describing the reason for adoption of the rule does not reflect the language of the legislation authorizing general variances. DEQ has written that the "statute allows dischargers to be granted variances from base numeric nutrient standards in those cases where meeting the standards today would be an unreasonable economic burden or technologically infeasible." This should be rewritten to reflect that "the statute requires DEQ to grant general variances from base numeric nutrient standards in those case where meeting the standards today would be an unreasonable economic burden or technologically infeasible and the permittee meets the end-of-pipe treatment requirements in DEQ-12B."

C. Comments on the Draft Circular DEQ-12

In DEQ 12-A, the language in endnote 4 ("as an annual average, not to be exceeded more than once in any three year period, on average") is unclear. What does once in any three year period, on average mean? The lack of clarity makes the compliance requirements for the numeric nutrient standards in Table 12A-1 vague and difficult for permittees to meet.

In DEQ 12-B, the definition of "Monthly Average" in Section 1.1 is confusing. The period in which the base numeric nutrient standards apply is generally July 1 to September 30. If this definition is to be applied to permit compliance then it seems that it should reference the sum of the measurements for a parameter divided by the number of samples during the reporting period.

Although MPA advised DEQ in a July 18, 2012 letter that the statute refers to a monthly average, not a long-term average as utilized in the early drafts of DEQ-12B, the Department did

not include the current language in a draft of the circular ever discussed by the NWG. As a result, the definition of monthly average in the current version of DEQ-12B has not been debated by NWG members. While the new definition in Section 1.1 is an improvement, we believe the following is preferable:

Monthly average means the sum of the measurements for a parameter divided by the number of samples during the reporting period, which is a thirty day period between July 1st and September 30th in a calendar year.

D. General Concern: Interpretation of Protection of Downstream Uses

The Department has refused to engage in a meaningful discussion about how it will analyze whether downstream uses are adequately protected when an applicant seeks a variance based upon water quality modeling. In the MPA letter to the Department in October, 2013, I indicated that MPA agreed with a recent comment submitted by the League of Cities and Towns, in which the League noted:

> The reference to "protection of downstream use" should be removed from the proposed documents or use language similar to the following: "dischargers shall only be responsible for the protection of downstream use to the first location of a non-point source loading". Without defining the extent a point source discharger is responsible for protection of downstream use and without recognition of non-point source contribution, the language is not acceptable.

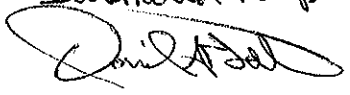
Unfortunately, the lack of clarity has continued through the development of the rule package. In fact, in the guidance document, the Department states, "[a]ny reach-specific criteria developed for a receiving stream using a mechanistic or empirical model will also need to protect downstream beneficial uses. ... "How far downstream" is a consideration which will vary from case-to-case...." It is problematic to promulgate the rule packages without a better idea of the touchstones for DEQ's analysis because parties are left to their own devices to determine whether the answer is the point of the next discharge downstream or the Gulf of Mexico.

III. Conclusion

MPA wishes to express its gratitude the member of the Nutrient Working Group and the staff and officials in the Department of Environmental Quality. While we believe that more should be done before the rules are promulgated by the Board and DEQ, MPA believes the current drafts are much improved over past versions. This is the product of considerable effort on the part of DEQ personnel and other stakeholders who are committed to optimal public policy on nutrient issues.

To the extent that MPA can provide additional information, analysis, or proposed language to the Board and the Department, we stand ready to do so.

Submitted in person March 24, 2014



EPA

State Milestones

The maps and tables on this web page rely on state-provided milestone data to project future statewide adoptions of nitrogen and phosphorus criteria. The table below shows these data for three waterbody types - lakes/reservoirs, river/streams, and estuaries. The data focus on five specific development milestones.

1. Planning for Criteria Development,
2. Collection of Information and Data,
3. Analysis of Information and Data,
4. Proposal of Criteria, and
5. Adoption of Criteria (EPA-approved).

The milestone data below also comprise one of the indicators in the Nutrient Indicators Dataset - specifically, the Adoption of Standards indicator

Sort the table by clicking on any desired column. For example, you can sort by state, region, and expected watertype. You can also show or hide columns by clicking on the checkboxes. Click the state for complete detailed information.

Return to State Development of Numeric Criteria for Nitrogen and Phosphorus Pollution

Click to Show/Hide Table Columns

Region	N/P	1. Planning for Criteria Development	2. Collection of Information & Data	3. Analysis of Information & Data	4. Proposal of Criteria	5. Adoption of Criteria (EPA-Approved)

Search:

State/Territory	Watertype (Criterion)	Development Milestones				
		1. Planning for Criteria Development	2. Collection of Information & Data	3. Analysis of Information & Data	4. Proposal of Criteria	5. A Crit Ap
Alabama	Lakes/Reservoirs (N)	12/31/2016	12/31/2015	12/31/2015	12/31/2015	1
Alabama	Lakes/Reservoirs (P)	12/31/2016	12/31/2015	12/31/2015	12/31/2015	1
Alabama	Rivers/Streams (N)	12/31/2013	12/31/2015	12/31/2015	12/31/2015	1
Alabama	Rivers/Streams (P)	12/31/2013	12/31/2015	12/31/2015	12/31/2015	1
Alabama	Estuaries (N)	12/31/2013	12/31/2015	12/31/2015	12/31/2016	1
Alabama	Estuaries (P)	12/31/2013	12/31/2015	12/31/2015	12/31/2016	1
Alaska	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Alaska	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Alaska	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Alaska	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Alaska	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Alaska	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
American Samoa	Lakes/Reservoirs (N)	Complete	Complete	Complete	Complete	C
American Samoa	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	C
American Samoa	Rivers/Streams (N)	Complete	Complete	Complete	Complete	C
American Samoa	Rivers/Streams (P)	Complete	Complete	Complete	Complete	C
American Samoa	Estuaries (N)	Complete	Complete	Complete	Complete	C
American Samoa	Estuaries (P)	Complete	Complete	Complete	Complete	C
Arizona	Lakes/Reservoirs (N)	Complete	Complete	Complete	No Date Provided	No D
Arizona	Lakes/Reservoirs (P)	Complete	Complete	Complete	No Date Provided	No D
Arizona	Rivers/Streams (N)	Complete	7/1/2015	7/1/2017	No Date Provided	No D
Arizona	Rivers/Streams (P)	Complete	7/1/2015	7/1/2017	No Date Provided	No D
Arkansas	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Arkansas	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Arkansas	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Arkansas	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
California	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
California	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
California	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
California	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
California	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
California	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Colorado	Lakes/Reservoirs (N)	Complete	Complete	Complete	Complete	No D
Colorado	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	No D
Colorado	Rivers/Streams (N)	Complete	Complete	Complete	Complete	No D
Colorado	Rivers/Streams (P)	Complete	Complete	Complete	Complete	No D
Connecticut	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Connecticut	Lakes/Reservoirs (P)	12/31/2013	12/31/2015	12/31/2018	12/31/2019	1
Connecticut	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Connecticut	Rivers/Streams (P)	Complete	12/31/2014	12/31/2015	12/31/2016	1
Connecticut	Estuaries (N)	12/31/2015	12/31/2019	12/31/2020	12/31/2020	1
Connecticut	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Delaware	Lakes/Reservoirs (N)	9/21/2012	12/20/2012	12/20/2013	3/19/2014	9
Delaware	Lakes/Reservoirs (P)	9/21/2012	12/20/2012	12/20/2013	3/19/2014	9
Delaware	Rivers/Streams (N)	9/21/2012	12/20/2012	12/20/2013	3/19/2014	9
Delaware	Rivers/Streams (P)	9/21/2012	12/20/2012	12/20/2013	3/19/2014	9
Delaware	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Delaware	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
District of Columbia	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
District of Columbia	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
District of Columbia	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
District of Columbia	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
District of Columbia	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D

Exhibit 1

0001166

State/Territory	Watertype (Criterion)	Development Milestones				
		1. Planning for Criteria Development	2. Collection of Information & Data	3. Analysis of Information & Data	4. Proposal of Criteria	5. A Crit Ap
District of Columbia	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Florida	Lakes/Reservoirs (N)	Complete	Complete	Complete	Complete	
Florida	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	
Florida	Rivers/Streams - Rivers (N)	Complete	Complete	Complete	no date provided	no d
Florida	Rivers/Streams - Rivers (P)	Complete	Complete	Complete	no date provided	no d
Florida	Rivers/Streams - Streams (N)	Complete	Complete	Complete	Complete	
Florida	Rivers/Streams - Streams (P)	Complete	Complete	Complete	Complete	
Florida	Estuaries (N)	Complete	Complete	Complete	Complete	
Florida	Estuaries (P)	Complete	Complete	Complete	Complete	
Georgia	Lakes/Reservoirs (N)	Complete	12/31/2017	6/30/2018	6/30/2019	1
Georgia	Lakes/Reservoirs (P)	Complete	12/31/2017	6/30/2018	6/30/2019	1
Georgia	Rivers/Streams (N)	Complete	6/30/2018	12/31/2018	12/31/2019	6
Georgia	Rivers/Streams (P)	Complete	6/30/2018	12/31/2018	12/31/2019	6
Georgia	Estuaries (N)	Complete	12/31/2018	6/30/2019	6/30/2020	1
Georgia	Estuaries (P)	Complete	12/31/2018	6/30/2019	6/30/2020	1
Guam	Lakes/Reservoirs (N)	Complete	Complete	Complete	Complete	
Guam	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	
Guam	Rivers/Streams (N)	Complete	Complete	Complete	Complete	
Guam	Rivers/Streams (P)	Complete	Complete	Complete	Complete	
Guam	Estuaries (N)	Complete	Complete	Complete	Complete	
Guam	Estuaries (P)	Complete	Complete	Complete	Complete	
Hawaii	Rivers/Streams (N)	Complete	Complete	Complete	Complete	
Hawaii	Rivers/Streams (P)	Complete	Complete	Complete	Complete	
Hawaii	Estuaries (N)	Complete	Complete	Complete	Complete	
Hawaii	Estuaries (P)	Complete	Complete	Complete	Complete	
Idaho	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Idaho	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Idaho	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Idaho	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Illinois	Lakes/Reservoirs (N)	Complete	No Date Provided	No Date Provided	No Date Provided	No D
Illinois	Lakes/Reservoirs (P)	Complete	No Date Provided	No Date Provided	No Date Provided	No D
Illinois	Rivers/Streams (N)	Complete	Complete	Complete	No Date Provided	No D
Illinois	Rivers/Streams (P)	Complete	Complete	Complete	No Date Provided	No D
Illinois	Rivers/Streams - steams with natural watersheds (N)	Complete	Complete	Complete	No criteria under development	No c de
Illinois	Rivers/Streams - steams with natural watersheds (P)	Complete	Complete	Complete	12/31/2014	12
Indiana	Lakes/Reservoirs (N)	Complete	No Date Provided	No Date Provided	after completing TP for rivers/streams	No d
Indiana	Lakes/Reservoirs (P)	Complete	Complete	Complete	12/31/2014	12
Indiana	Rivers/Streams (N)	Complete	Complete	Complete	No date provided	No d
Indiana	Rivers/Streams (P)	Complete	Complete	Complete	After completing TP criteria for lakes	No d
Iowa	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Iowa	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Iowa	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Iowa	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Kansas	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Kansas	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Kansas	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Kansas	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Kentucky	Lakes/Reservoirs (N)	Complete	No Date Provided	TBD*	12/31/2018	1
Kentucky	Lakes/Reservoirs (P)	Complete	No Date Provided	TBD*	12/31/2018	1
Kentucky	Rivers/Streams - Non-Wadeable (N)	Complete	Collection Underway	TBD*	TBD	
Kentucky	Rivers/Streams - Non-Wadeable (P)	Complete	Collection Underway	TBD*	TBD	
Kentucky	Rivers/Streams - Wadeable (N)	Complete	Collection Underway	TBD*	12/31/2016	1
Kentucky	Rivers/Streams - Wadeable (P)	Complete	Collection Underway	TBD*	12/31/2016	1
Louisiana	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Louisiana	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Louisiana	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Louisiana	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Louisiana	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Louisiana	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maine	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maine	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	No D
Maine	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maine	Rivers/Streams (P)	Complete	Complete	Complete	Complete	No D
Maine	Estuaries (N)	Complete	12/31/2014	12/31/2015	12/31/2015	No D
Maine	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maryland	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maryland	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maryland	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maryland	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maryland	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Maryland	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Massachusetts	Lakes/Reservoirs (N)	Complete	Complete	Complete	Complete	2
Massachusetts	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	2
Massachusetts	Rivers/Streams (N)	Complete	Complete	Complete	Complete	2
Massachusetts	Rivers/Streams (P)	Complete	Complete	Complete	Complete	2
Massachusetts	Estuaries (N)	Complete	*Note	*Note	*Note	
Massachusetts	Estuaries (P)	Complete	*Note	*Note	*Note	
Michigan	Lakes/Reservoirs (N)	Complete	Complete	Complete	No Statewide Criteria Development Intended	No Sta Develo
Michigan	Lakes/Reservoirs (P)	Complete	Complete	Complete	38 weeks after rulemaking authority restored	75 rulem
Michigan	Rivers/Streams (N)	Complete	Complete	Complete	No Statewide Criteria Development Intended	No Sta Develo

Exhibit 1

State/Territory	Watertype (Criterion)	Development Milestones				
		1. Planning for Criteria Development	2. Collection of Information & Data	3. Analysis of Information & Data	4. Proposal of Criteria	5. A Crit Ap
Michigan	Rivers/Streams (P)	Complete	Complete	Complete	38 weeks after rulemaking authority restored	75 rulema
Minnesota	Lakes/Reservoirs (N)	Complete	Complete	Complete	No Statewide Criteria Development Intended	No Sta Develo
Minnesota	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	(
Minnesota	Rivers/Streams (N)	Complete	Complete	Complete	No Statewide Criteria Development Intended	No Sta Develo
Minnesota	Rivers/Streams (P)	Complete	Complete	Complete	12/31/2013	7
Mississippi	Lakes/Reservoirs - Delta (N)	Complete	3/31/2014	3/31/2014	11/30/2014	6
Mississippi	Lakes/Reservoirs - Delta (P)	Complete	3/31/2014	3/31/2014	11/30/2014	6
Mississippi	Lakes/Reservoirs - Non-Delta (N)	Complete	12/31/2012	12/31/2012	6/30/2013	12
Mississippi	Lakes/Reservoirs - Non-Delta (P)	Complete	12/31/2012	12/31/2012	6/30/2013	12
Mississippi	Rivers/Streams - Delta (N)	Complete	3/31/2014	3/31/2014	11/30/2014	6
Mississippi	Rivers/Streams - Delta (P)	Complete	3/31/2014	3/31/2014	11/30/2014	6
Mississippi	Rivers/Streams - Non-Delta (N)	Complete	12/31/2012	12/31/2012	6/30/2013	12
Mississippi	Rivers/Streams - Non-Delta (P)	Complete	12/31/2012	12/31/2012	6/30/2013	12
Mississippi	Estuaries (N)	Complete	12/31/2012	12/31/2012	12/31/2013	12
Mississippi	Estuaries (P)	Complete	12/31/2012	12/31/2012	12/31/2013	12
Missouri	Lakes/Reservoirs (N)	Complete	Complete	Complete	No Date Provided	No D
Missouri	Lakes/Reservoirs (P)	Complete	Complete	Complete	No Date Provided	No D
Missouri	Rivers/Streams (N)	Complete	Complete	Complete	No Date Provided	No D
Missouri	Rivers/Streams (P)	Complete	Complete	Complete	No Date Provided	No D
Montana	Lakes/Reservoirs (N)	Complete	ongoing	12/31/2014	12/31/2015	No D
Montana	Lakes/Reservoirs (P)	Complete	ongoing	12/31/2014	12/31/2015	No D
Montana	Rivers/Streams - Non-wadeable (N)	Complete	Complete	Complete	No Date Provided	No D
Montana	Rivers/Streams - Non-wadeable (P)	Complete	Complete	Complete	No Date Provided	No D
Montana	Rivers/Streams - Wadeable (N)	Complete	Complete	Complete	No Date Provided	No D
Montana	Rivers/Streams - Wadeable (P)	Complete	Complete	Complete	No Date Provided	No D
Nebraska	Lakes/Reservoirs - All except Natural Sandhill Lakes (N)	Complete	Complete	Complete	Complete	(
Nebraska	Lakes/Reservoirs - All except Natural Sandhill Lakes (P)	Complete	Complete	Complete	Complete	(
Nebraska	Lakes/Reservoirs - Natural Sandhill Lakes (N)	Complete	Complete	Complete	No Date Provided	No D
Nebraska	Lakes/Reservoirs - Natural Sandhill Lakes (P)	Complete	Complete	Complete	No Date Provided	No D
Nebraska	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Nebraska	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Nevada	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Nevada	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Nevada	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Nevada	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Hampshire	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Hampshire	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	1
New Hampshire	Rivers/Streams - Non-Wadeable (N)	Complete	Complete	No Date Provided	No Date Provided	No D
New Hampshire	Rivers/Streams - Non-Wadeable (P)	Complete	Complete	No Date Provided	No Date Provided	No D
New Hampshire	Rivers/Streams - Wadeable (N)	Complete	Complete	Complete	12/31/2019	1
New Hampshire	Rivers/Streams - Wadeable (P)	Complete	Complete	Complete	12/31/2019	1
New Hampshire	Estuaries - All except Great Bay (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Hampshire	Estuaries - All except Great Bay (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Hampshire	Estuaries - Great Bay (N)	Complete	Complete	Complete	Complete	No D
New Hampshire	Estuaries - Great Bay (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Jersey	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Jersey	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	(
New Jersey	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Jersey	Rivers/Streams (P)	Complete	Complete	Complete	Complete	(
New Jersey	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Jersey	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Mexico	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Mexico	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Mexico	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New Mexico	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
New York	Lakes/Reservoirs (N)	*Note	*Note	*Note	*Note	
New York	Lakes/Reservoirs (P)	Complete	Complete	Complete	12/31/2013	1
New York	Rivers/Streams (N)	Complete	Complete	Complete	*Note	
New York	Rivers/Streams (P)	Complete	Complete	Complete	12/31/2013	1
New York	Estuaries (N)	Complete	ongoing	12/31/2016	12/31/2017	1
New York	Estuaries (P)	*Note	*Note	*Note	*Note	
North Carolina	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Carolina	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Carolina	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Carolina	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Carolina	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Carolina	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Dakota	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Dakota	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Dakota	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
North Dakota	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Northern Mariana Islands	Lakes/Reservoirs (N)	Complete	Complete	Complete	Complete	(
Northern Marianas Islands	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	(
Northern Marianas Islands	Rivers/Streams (N)	Complete	Complete	Complete	Complete	(

Exhibit 1

State/Territory	Watertype (Criterion)	Development Milestones				
		1. Planning for Criteria Development	2. Collection of Information & Data	3. Analysis of Information & Data	4. Proposal of Criteria	5. A Crit Ap
Northern Marianas Islands	Rivers/Streams (P)	Complete	Complete	Complete	Complete	
Northern Marianas Islands	Estuaries (N)	Complete	Complete	Complete	Complete	
Northern Marianas Islands	Estuaries (P)	Complete	Complete	Complete	Complete	
Ohio	Lakes/Reservoirs (N)	Complete	Complete	Complete	3/31/2014	1
Ohio	Lakes/Reservoirs (P)	Complete	Complete	Complete	3/31/2014	1
Ohio	Rivers/Streams - Non-Wadeable (N)	Complete	Complete	Complete	3/31/2014	5
Ohio	Rivers/Streams - Non-Wadeable (P)	Complete	Complete	Complete	3/31/2014	5
Ohio	Rivers/Streams - Wadeable (N)	Complete	Complete	Complete	7/31/2014	5
Ohio	Rivers/Streams - Wadeable (P)	Complete	Complete	Complete	7/31/2014	5
Oklahoma	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oklahoma	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oklahoma	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oklahoma	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oregon	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oregon	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oregon	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oregon	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oregon	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Oregon	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Pennsylvania	Lakes/Reservoirs (N)	Complete	Complete	12/31/2013	12/31/2014	1
Pennsylvania	Lakes/Reservoirs (P)	Complete	Complete	12/31/2013	12/31/2014	1
Pennsylvania	Rivers/Streams - Large Rivers (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Pennsylvania	Rivers/Streams - Large Rivers (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Pennsylvania	Rivers/Streams - Wadeable Streams and Small Rivers (N)	Complete	2/28/2014	10/31/2014	12/31/2015	1
Pennsylvania	Rivers/Streams - Wadeable Streams and Small Rivers (P)	Complete	2/28/2014	10/31/2014	12/31/2015	1
Pennsylvania	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Pennsylvania	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Puerto Rico	Lakes/Reservoirs (N)	Complete	3/31/2014	6/30/2014	6/30/2014	2
Puerto Rico	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	
Puerto Rico	Rivers/Streams (N)	Complete	Complete	Complete	Complete	12
Puerto Rico	Rivers/Streams (P)	Complete	Complete	Complete	Complete	
Puerto Rico	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Puerto Rico	Estuaries (P)	Complete	Complete	Complete	Complete	
Rhode Island	Lakes/Reservoirs (N)	Complete	Complete	12/31/2013	12/31/2014	1
Rhode Island	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	
Rhode Island	Rivers/Streams - Non-Wadeable (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Rhode Island	Rivers/Streams - Non-Wadeable (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Rhode Island	Rivers/Streams - Wadeable (N)	Complete	12/31/2015	12/31/2015	12/31/2016	1
Rhode Island	Rivers/Streams - Wadeable (P)	No Date Provided	12/31/2015	12/31/2015	12/31/2016	1
Rhode Island	Estuaries (N)	6/30/2014	12/31/2018	12/31/2020	12/31/2021	1
Rhode Island	Estuaries (P)	6/30/2014	12/31/2018	12/31/2020	12/31/2021	1
South Carolina	Lakes/Reservoirs - 40 acres and smaller (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
South Carolina	Lakes/Reservoirs - 40 acres and smaller (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
South Carolina	Lakes/Reservoirs - Greater than 40 acres (N)	Complete	Complete	Complete	Complete	
South Carolina	Lakes/Reservoirs - Greater than 40 acres (P)	Complete	Complete	Complete	Complete	
South Carolina	Rivers/Streams (N)	No Statewide Development Intended	No Statewide Development Intended	No Statewide Development Intended	No Statewide Development Intended	No Develo
South Carolina	Rivers/Streams (P)	No Statewide Development Intended	No Statewide Development Intended	No Statewide Development Intended	No Statewide Development Intended	No Develo
South Carolina	Estuaries (N)	Complete	Complete	12/31/2013	12/31/2013	1
South Carolina	Estuaries (P)	Complete	Complete	12/31/2013	12/31/2013	1
South Dakota	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
South Dakota	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
South Dakota	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
South Dakota	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Tennessee	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Tennessee	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Tennessee	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Tennessee	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Texas	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Texas	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Texas	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Texas	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Texas	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Texas	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
U.S. Virgin Islands	Estuaries (N)	Complete	9/30/2014	3/31/2015	9/30/2015	9
U.S. Virgin Islands	Estuaries (P)	Complete	Complete	Complete	Complete	
Utah	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Utah	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Utah	Rivers/Streams - Headwater Streams (Categories 1 and 2) (N)	Complete	Complete	Complete	In Progress	No D
Utah	Rivers/Streams - Headwater Streams (Categories 1 and 2) (P)	Complete	Complete	Complete	In Progress	No D

State/Territory	Watertype (Criterion)	Development Milestones				
		1. Planning for Criteria Development	2. Collection of Information & Data	3. Analysis of Information & Data	4. Proposal of Criteria	5. A Crit Ap
Utah	Rivers/Streams - Rivers/Streams except Headwater Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Utah	Rivers/Streams - Rivers/Streams except Headwater Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Vermont	Lakes/Reservoirs (N)	Complete	Complete	Complete	12/31/2013	1
Vermont	Lakes/Reservoirs (P)	Complete	Complete	Complete	12/31/2013	1
Vermont	Rivers/Streams (N)	Complete	Complete	Complete	12/31/2013	1
Vermont	Rivers/Streams (P)	Complete	Complete	Complete	12/31/2013	1
Virginia	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Virginia	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Virginia	Rivers/Streams (N)	Complete	Complete	No Date Provided	No Date Provided	No D
Virginia	Rivers/Streams (P)	Complete	Complete	No Date Provided	No Date Provided	No D
Virginia	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Virginia	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Washington	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Washington	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Washington	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Washington	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Washington	Estuaries (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Washington	Estuaries (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
West Virginia	Lakes/Reservoirs (N)	Not Planned	Not Planned	Not Planned	Not Planned	N
West Virginia	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	C
West Virginia	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
West Virginia	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Wisconsin	Lakes/Reservoirs (N)	Complete	No Date Provided	No Date Provided	No Date Provided	No D
Wisconsin	Lakes/Reservoirs (P)	Complete	Complete	Complete	Complete	C
Wisconsin	Rivers/Streams (N)	Complete	Complete	3/31/2014	No Date Provided	No D
Wisconsin	Rivers/Streams (P)	Complete	Complete	Complete	Complete	C
Wyoming	Lakes/Reservoirs (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Wyoming	Lakes/Reservoirs (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Wyoming	Rivers/Streams (N)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D
Wyoming	Rivers/Streams (P)	No Date Provided	No Date Provided	No Date Provided	No Date Provided	No D

Showing 1 to 306 of 306 entries

Exhibit 1

Montana Board of Environmental Review
and
Montana Department of Environmental Quality

Public Hearings on Numeric Nutrient Standards and the Proposed Adoption of Rules and Circulars Pertaining to the Proposed Standards

March 24, 2014

The Montana League of Cities and Towns (MLCT) appreciate the opportunity to comment on the proposed Numeric Nutrient Standards and corresponding rules and circulars. MLCT has appreciated the willingness of MDEQ staff to develop the Nutrient Workgroup and work on resolving the concerns and understanding of the proposed wastewater rules. This has been a very long and at times frustrating process, but has worked to improve communications and the final rules. The MLCT supports the proposed rules pending before the Board of Environmental Review and the accompanying documents under consideration by Montana Department of Environmental Quality with the stipulation all rules and circulars are adopted. The adoption of all rules would be required to ensure the intent and understanding of the Nutrient Workgroup is accomplished.

The MLCT does not dispute the research conducted by the MDEQ in establishing the 0.3 mg/L TN and 0.03 mg/L TP and the nutrients effect on water quality. We have expressed concerns that the proposed standards are not achievable using technologies available today or in the foreseeable future. The proposed TP requirements could be achieved with significant financial investments by point source dischargers, but the proposed TN values cannot be achieved even with the use of a Reverse Osmosis (RO) treatment system. Current RO technology would not allow discharges to reduce TN treatment below 1.0 mg/L. It is because dischargers cannot meet the proposed numeric nutrient limits that the proposed variance process is critical to the adoption of the proposed Numeric Nutrient Standards.

The MLCT requests that the following areas of the proposed rules have continued discussions and clarification before final implementation:

- Protection of Downstream Uses: Before final implementation of the Numeric Nutrient Standards clarification and agreement on the extent a point source discharger is responsible for the protection of downstream use and what consideration MDEQ and EPA will place on non-point source dischargers in developing point source dischargers' responsibility and requirements.
- Non-Point Source dischargers: A continued discussion with the Department on eventual Legislative language to address the impacts of non-point source nutrient contribution.
- Significant Impact: The MLCT would request continued discussion in the variance process to address future required treatment improvements to meet lower numeric nutrient limits that would provide very limited or no improvement to the receiving water quality.

I want to thank the Department of Environmental Quality staff, EPA, Nutrient Work Group members, and others that have worked very hard for a number of years to develop the proposed standards and accompanying documents to ensure Montana has clean rivers and streams in the future.

David Mumford, P.E.
Chair, MLCT Water and Wastewater Committee